

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT
OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)

Mail to: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703)305-9282.

Patent No. _____ Application Number _____

Issue Date _____ Filing Date _____

CAUTION: Mandatory Identifiers: Maintenance fee (and surcharge, if any) payment must correctly identify:
(1) the patent number (or reissue patent number, if a reissue) and (2) the application number of
the actual U.S. application (or reissue application) leading to issuance of that patent. 37 CFR
1.366(c) and (d).

Also complete the following information, if applicable

The above-identified patent:

☐ is a reissue of original Patent No. _____, original issue date _____;
original application number _____,
original filing date _____.

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international
application _____ filed on _____.

CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is
being deposited with the United States Postal Service on the date shown below with sufficient postage
as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Box DAC,
Washington, D.C. 20231.

Date

Signature

Typed or printed name of person signing Certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1. SMALL ENTITY

☐ Attached herewith is a verified statement establishing small entity status.

OR

☐ A verified statement establishing small entity status for this patent has been filed and it is confirmed that the current owner of this patent still qualifies for small entity status.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in...patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to Section 1.19 of this part." From the wording of 37 CFR 1.28(a): notification of change of status (a) must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity. See also 37 CFR 1.366(f).

☐ The status of this patent has changed from that of small entity to other than that of small entity.

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$_____	3 1/2 yr fee	(183)	<input type="checkbox"/> \$_____	3 1/2 yr fee	(283)
<input type="checkbox"/> \$_____	7 1/2 yr fee	(184)	<input type="checkbox"/> \$_____	7 1/2 yr fee	(284)
<input type="checkbox"/> \$_____	11 1/2 yr fee	(185)	<input type="checkbox"/> \$_____	11 1/2 yr fee	(285)

MAINTENANCE FEE BEING SUBMITTED \$_____

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$_____ (Fee Code 188) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$_____

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$_____.

☐ Please charge Deposit Account No. _____ the sum of \$_____. A duplicate copy of this authorization is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Commissioner is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. _____. A duplicate copy of this authorization is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT

As to any overpayment made please

☐

Credit to Deposit Account No. _____.

OR

☐

Send refund check.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE
ACCEPTED AND THE PATENT REINSTATED.

Date

Signature(s) of Petitioner(s)

(_____)_____
Telephone Number

Typed or printed name(s)

Address

ENCLOSURES:

☐

Maintenance Fee payment

☐

Small Entity Status Form

☐

Surcharge

☐

NOTE: 37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest. Such petition must be in the form of a verified statement if made by a person not registered to practice before the Patent and Trademark Office." Accordingly, the following declaration must be signed by any and all parties not registered to practice before the Patent and Trademark Office and presenting statements concerning the cause of delay.

The undersigned declares that the following statements made of his/her own knowledge are true, and that these statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent.

Date

Signature

Typed or printed name